

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

R&B Dept. - Improvements to Hyderabad - Karimnagar - Ramagundam road in Packages S1,S2, & S3 - Arbitration of disputes - Judgement of City Civil Court EP.Nos. 73,74, & 75 of 2003 in OP.Nos.607, 608 & 609 of 2000 - Administrative sanction for Rs.44,70,869/- - Orders-Issued.

G.O.Rt.No. 1169

Dt: 01.08.2008.

Read the following:

- 1) Judgement dt. 12.11.2002 of the IV Additional Chief Judge, Civil Court in OP.Nos.607, 608, 609 of 2000.
- 2) G.O.Ms.No.5, TR&B[R.IV.2] Deptt., dt.12.01.2005.
- 3) G.O.Rt.No.122, TR&B[R.IV.2] Deptt., dt. 5-7-2006.

ORDER:

1. Whereas the work of "Improvements and Rehabilitation of HYD-KRMR-RMG road" in Packages No. S1,S2 and S3" has been awarded to M/s Afcons Pauling[I]Ltd. During the course of execution certain disputes arose between the contractors and the Government. To settle the disputes a [4] member Arbitrators Committee was appointed. Disagreeing with the award given by the Committee of the Arbitrators, both the parties approached City Civil Court, Hyderabad against the award.

2. In obedience to the judgement delivered by the IV Addl. Chief Judge, City Civil Court, Hyderabad in EP Nos.73,74 and 75 of 2003 in OP Nos.607, 608 and 609 of 2000 vide reference first read above, an amount of Rs.213.32 lakhs was sanctioned for depositing before the Hon'ble Court and orders to this effect were issued in G.O.Ms.No.5, TR&B[R.IV.2] Deptt., dt.12.01.2005. Subsequently an amount of Rs.6.00 lakhs was sanctioned towards payment of interest part in package No.S3, vide reference 3rd read above.

3. But, the Decree holder M/s.Afcons (Pauling) India Ltd. had submitted in the Hon'ble City Civil Court that the amount Rs.213.32 lakhs deposited in the Hon'ble Court towards interest part was calculated @ 18% P.A. for the period from 21.12.1999 to 2.3.2005 only and as such fresh memos. of calculation were prepared duly calculating the interest @ 18% P.A. on the awarded amount for the three packages from 21.12.1999 to 2.3.2005 and worked out to a total amount of Rs.44,70,869/- (ie. Rs.14,10,908/- + Rs.11,67,310/- + Rs.18,92,651/- in packages S1,S2 & S3 respectively) and filed counter in the Hon'ble IV-Addl. Metropolitan Sessions Judge, City Civil Court on 17.2.2007 and the case is under process.

4. The Engineer-in-Chief [R&B], State Roads, Hyderabad has therefore requested to issue amendment to the orders issued in

the reference 3rd read above wherein sanction was accorded for Rs.6.00 lakhs as per E.P.No.73 of 2003 in OP No.608 of 2000.

5. The total amount towards interest part of the said packages for the period from 21-12-1999 to 2-3-2005 works out to Rs.44,70,869/-.

6. Government after careful examination of the matter hereby accord sanction for an amount of Rs.44,70,869/- [Forty four lakhs seventy thousand eight hundred and sixty nine) towards decretal amount to be deposited before the Hon'ble IV Addl.Judge, City Civil Court, Hyderabad, duly canceling the orders issued in G.O. 3rd read above.

7. The expenditure sanctioned in para-6 above shall be debited to the Head of account "5054-Capital Outlay on Roads and Bridges – 03 – State Highways – MH – 337 Road works – GH – 11 – Normal State Plan, SH(05) – Improvements to Hyderabad – KMNR – RGM Road with the assistance of ADB (to be opened) – 530 Major works – 531 Other Expenditure and shall be met by way of reappropriation from BE 2008-09 provided to the Head of Department.

8. The Engineer-in-Chief [R&B], State Roads, Hyderabad shall take further action accordingly.

9. This orders issues with the concurrence of Finance department vide their U.O.No. 18545/867/A2/Expr.PW/08, dt:16.7.2008.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

DR T.CHATTERJEE
PRINCIPAL SECRETARY TO GOVERNMENT

To
The Engineer-in-Chief (R&B) State Roads, Hyderabad.
The Accountant General, Andhra Pradesh, Hyderabad.
The District Treasury Officer, Hyderabad.
The Finance (Expr.PW) Department
The Finance (BG) Department

// FORWARDED :: BY ORDER //

SECTION OFFICER